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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,973	06/02/2005	Martin Wolff	026032-4804	6774
26371	7590	08/22/2007		
FOLEY & LARDNER LLP 777 EAST WISCONSIN AVENUE MILWAUKEE, WI 53202-5306			EXAMINER KUHN, ALLAN R	
			ART UNIT 1732	PAPER NUMBER
			MAIL DATE 08/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/507,973

Applicant(s)

WOLFF ET AL.

Examiner

Allan Kuhns

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16-41 is/are pending in the application.
- 4a) Of the above claim(s) 35-41 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-34 is/are allowed.
- 6) ☒ Claim(s) 16 and 18-26 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                            |                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>111804&amp;121304</u> . | 6) <input type="checkbox"/> Other: _____                                                |

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1.Applicant's election with traverse of Group I, claims 16-34 in the reply filed on May 25, 2007 is acknowledged. The traversal is on the ground(s) that (1) the examiner can perform one search (on all the claims) without undue burden, and (2) it is essentially asserted that the examiner would not be aware of another way to make the product structure as claimed. This is not found persuasive because (1) an undue burden would be placed on the examiner because one group of claims requires a search for product structure while the elected group of claims requires a search for manipulative steps, and (2) it is this examiner's position that the product structure as claimed could be formed by another and materially different process such as one in which a foam material of appropriate shape was first molded and then was inserted between a carrier, having the claimed permeability and impermeability features, and a sheet, such that the egress of foam gas would not be an issue of concern because the foam is formed separately.

The requirement is still deemed proper and is therefore made FINAL.

2.Claims 35-41 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on May 25, 2007.

3.The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16 and 18-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oike et al. (5,939,165). Oike et al. disclose or suggest the basic claimed method for producing a trim article for a vehicle including (1) forming a carrier with a first portion that is gas permeable and foam impermeable (note sealing material 2 described at column 3, lines 3-6) and a second portion, (2) providing a sheet to a first mold section, (3) introducing a foam material to the first mold section, (4) introducing the carrier to the first mold section, (5) providing a space between the sheet and the carrier by pressing together or closely contacting by suction (column 4, line 41) a portion of the sheet and the carrier, and (6) influencing the propagation of the foam according to locations of the first portion and second portion of the carrier and the pressed together or closely contacted portion of the sheet and the carrier. Oike et al. appear not to explicitly state that the second portion of the carrier (base material 1) is both gas and foam impermeable, but forming such a carrier portion would have been obvious to one of ordinary skill in the art since Oike et al. make it clear that the gas is only to pass through the sealing portion 2.

Oike et al. teach the displacement of air or gas in the manner of claim 18 and it is submitted that the overlap of the seal material over the base material forms an edge which is at least capable of tearing, as in claim 19. Oike et al. also teach or suggest an integral connection between the sheet and carrier, as in claim 20 and a decorative sheet, as in claim 21. Oike et al. at least suggest the order explicit or implied by claims 22, 23 and 26, or such would have been obvious to one of ordinary skill in the art in order to retain access to the mold for introducing foam and also to ensure the formation

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of an integrally bonded composite structure. Spraying, as in claim 24, is well known and would have been obvious to one of ordinary skill in the art in order to form a decorative skin, as would the step of claim 25 in order to enhance the bond between the foam and the sheet or skin.

5. Claims 27-34 are allowed.

6. Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims (it appears though that claim 17 would then have substantially the same scope as allowed claim 27).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Kuhns whose telephone number is (571) 272-1202. The examiner can normally be reached on Monday to Thursday from 7:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic  
Business Center (EBC) at 866-217-9197 (toll-free).

*Allan R. Kuhns*  
ALLAN R. KUHNS  
PRIMARY EXAMINER AU 1732